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Attorney Docket No.: 60188-613
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Tetsuzo UEDA et al. : Customer No.20277
Serial No.: 10/600,659 : Confirmation No.: 6152
Filed: June 23, 2003 : Group Art Unit: 2814
For: SEMICONDUCTOR LIGHT-EMITTING DEVICE, METHOD FOR : Examiner: ANH D. AMI
FABRICATING THE SAME AND METHOD FOR BONDING THE SAME

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the third restriction requirement set forth in the Office Action mailed October 20, 2004, having a shortened statutory period for response set to expire November 19, 2004, wherein the Examiner required restriction between the following distinct Species:

- Species 1 - Claims 17-21, as shown in Embodiment 1, Figs. 2A-D;
- Species 2 - Claim 22, an alternate to separation of the substrate by polishing;
- Species 3 - Claim 23, an alternate to Species 1, wherein irradiating is performed before all of the layers of the multilayer film are completely formed (not shown).

Species 4 - Claims 24-25 and 30, as shown in Embodiment 2, Figs. 4-7.

Applicants elect without traverse, Species 1 – with claims 17-21 readable thereon, for initial prosecution on the merits.

Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated is patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 11/19/04

By: 
Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, DC 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087

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